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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,035	07/16/2003	Mihir Y. Sambhus	03226.511001;SUN030087	2254

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EXAMINER	
MYINT, DENNIS Y	

ART UNIT	PAPER NUMBER
2162	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,035	SAMBHUS ET AL.	
	Examiner	Art Unit	
	Dennis Myint	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *07/16/2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07/16/2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-27 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Leamon et al. (U.S. Patent Application Publication Number 2002/0107891).

As per claim 1, Leamon et al. is directed to a method for providing customizable client aware content aggregation and rendering in a portal server, comprising:

servicing a request for content using at least one of a plurality of channels (Leamon et al., Figure 2,and Figure 4 to Figure 7, and Paragraphs 0019-0021 and 0025-0030);

accessing a first file path to service the request, the first file path pointing to generic non-customized information for a client device (Leamon et al., Paragraph 0019 and Figure 2A "Standard Markup Language");

accessing a second of file path to service the request, the second file path pointing to customized information for the client device, wherein the second file path is

accessed subsequent to the first file path (Leamon et al., Paragraph 0020 and Figure 2A "Rendering Engine" 60);

processing aggregated content from a plurality channels using a rendering engine, the rendering engine configured to output the aggregated content in a markup language tailored for the client device (Leamon et al., Paragraph 0020 and Figure 2A "Rendering Engine" 60); and

outputting the aggregated content in the second markup language to the client device (Leamon et al, Paragraph 0019-0020 and Paragraph 0025-0030).

As per claim 2, Leamon et al. is directed to the method of claim 1 wherein the generic non-customized information of the first file path includes generic information for the client device (Leamon et al., Paragraph 0019).

As per claim 3, Leamon et al. is directed to the method of claim 2 wherein the device specific information includes a customizable device specific template (Leamon et al., Paragraph 0020, Paragraph 0020 and Figure 3 "Device-Specific Overrides" 90).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 4-9, 14-16, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leamon et al. in view of Hoekstra et al. (U.S. Patent Application Publication Number 2004/0267900).

Referring to claim 4, Leamon et al. is teaches the method of claim 1 but does not explicitly disclose that, in the said method, the first file path is a default file path and the second file path is an optional file path. However, Hoekstra et al. teaches a system and method for dynamic mobile device characterization, wherein the first file path is a default file path and the second file path is an optional file path (Hoekstra et al., Paragraph 0024-0025).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the feature of using a default file path and an optional file path as taught by Hoekstra et al. with the method of Leamon et al. as applied to claim 1 so that, in the combined method, the first file path is a default file path and the second file path is an optional file path. One would have been motivated to do so because "there are circumstances where sending the not-customized data is beneficial,

such as when the client might be unable to support a query, such as due to the query functionality being disabled, the client running low on resources etc." (Hoekstra et al., Paragraph 0024).

Referring to claim 5, Leamon et al. in view of Hoekstra et al. as discussed above with regard to claim 4 discloses the invention as claimed. Leamon et al. in view of Hoekstra et al. is directed to the method of claim 4 wherein the second file path points to device specific markup language customization for the client device (Leamon et al., Paragraph 0020 and Figure 2A "Rendering Engine" 60).

Referring to claim 6, Leamon et al. in view of Hoekstra et al. as discussed above with regard to claim 4 discloses the invention as claimed. Leamon et al. in view of Hoekstra et al. is directed to the method of claim 5 wherein the generic markup language is AML (abstract markup language) (Leamon et al., Figure 2, Paragraph 0019-0021).

Referring to claim 7, Leamon et al. in view of Hoekstra et al. as discussed above with regard to claim 4 discloses the invention as claimed. Leamon et al. in view of Hoekstra et al. is directed to a method of customizing a generic markup language, comprising:

as a first option, changing from a default file path to a customized directory file path (Hoekstra et al., Paragraph 0024-0025); and

as a second option, tagging first content using a first container (Leamon et al., Figure 2A "A Proprietary Application" 50 or "An Independent Application" 52 and

Hoekstra et al., Figure 1 "Content Provider" 104) (Leamon et al., Paragraph 0019 and Hoekstra et al., Paragraph 0021-0024).

Referring to claim 8, Leamon et al. in view of Hoekstra et al. as discussed above with regard to claim 4 discloses the invention as claimed. Leamon et al. in view of Hoekstra et al. is directed to the method according to claim 7, wherein the default file path includes the generic markup language (Leamon et al., Figure 2, Paragraph 0019-0021).

Referring to claim 9, Leamon et al. in view of Hoekstra et al. as discussed above with regard to claim 4 discloses the invention as claimed. Leamon et al. in view of Hoekstra et al. is directed to the method according to claim 7, wherein the customized directory file path includes a customized device specific markup template (Leamon et al., Paragraph 0020, Paragraph 0020 and Figure 3 "Device-Specific Overrides" 90).

Claim 14 and 21 are rejected on the same basis as claim 7.

Claim 15 and 22 are rejected on the same basis as claim 8.

Claim 16 and 23 are rejected on the same basis as claim 9.

4. Claim 10-13, 17-20, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leamon et al. in view of Hoekstra et al. and further in view of Ndili (U.S. Patent Application Publication Number 2002/0161928).

Referring to claim 10, Leamon et al. in view of Hoekstra et al. as discussed above with regard to claim 7 does not explicitly disclose that the first content includes a device-specific template. However, Ndili teaches a method and system for a smart

agent for providing network content to wireless devices wherein a first content ("response 3 and/or user specific and /or defined data from response 5") includes a device-specific template (Ndili, Paragraph 0059 and Figure 1).

At the time the invention was made, it would have been obvious to a person or ordinary skill in the art to combine the method and system for a smart agent for providing network content to wireless devices as taught by Ndili with the system and method of Leamon et al. in view of Hoekstra et al. as applied to claim 7 above so that, in the combined system and method, the first content includes a device-specific template. One would have been motivated to do so in order to enable the system and method to "react to the request from the mobile device to deliver the network content "on the fly" " (Ndili, Paragraph 0040).

Referring to claim 11, Leamon et al. in view of Hoekstra et al. and further in view of Ndili as discussed above with regard to claim 10 discloses the invention as claimed. Leamon et al. in view of Hoekstra et al. and further in view of Ndili is directed to the method according to claim 7, wherein the first container includes a generic markup language template (Leamon et al., Figure 2, Paragraph 0019-0021).

Referring to claim 12, Leamon et al. in view of Hoekstra et al. and further in view of Ndili as discussed above with regard to claim 10 discloses the invention as claimed. Leamon et al. in view of Hoekstra et al. and further in view of Ndili is directed to the method according to claim 7, wherein the generic markup language includes abstract markup language (AML) (Leamon et al., Figure 2, Paragraph 0019-0021).

Referring to claim 13, Leamon et al. in view of Hoekstra et al. and further in view of Ndili as discussed above with regard to claim 10 discloses the invention as claimed. Leamon et al. in view of Hoekstra et al. and further in view of Ndili is directed to the method according to claim 7, wherein the tagging prevents a translation of the device-specific template. In the system and method taught by Leamon et al. in view of Hoekstra et al. and further in view of Ndili, if device-specific content is already generated by way of tagging the response with device-specific template/information, then translation of such response would not be needed any more, effectively preventing such a translation. See Paragraph 0024-0027 of Hoekstra et al. specification, Paragraph 0019-0025 of Leamon et al. specification, and Paragraph 0054-0063 of Ndili specification.

Claim 17 and 27 are rejected on the same basis as claim 10.

Claim 18 and 25 are rejected on the same basis as claim 11.

Claim 19 and 26 are rejected on the same basis as claim 12.

Claim 20 and 27 are rejected on the same basis as claim 13.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis Myint AU-2162

BG

John E. Breene